

Bay Delta Conservation Plan ("Water-Fix") Supplemental Draft EIS
Briefing Paper – October 14, 2015

Background

We briefed you last on September 14, 2015. (Briefing Paper Attached)

Our comments on the Supplemental Draft EIS are due October 30th. A number of Congressional representatives requested an extension to the comment period which Bureau of Reclamation, as lead federal agency, denied. The lead state agency, the California Department of Water Resources recommended the denial.

Recommendation

We recommend the project be given a **Ex. 5 - Deliberative**

The purpose and need for the new WaterFix project, as it was for the former Bay Delta Conservation Plan, is to advance the co-equal goals in the Delta Reform Act: (1) to provide a more reliable water supply and (2) to protect, restore and enhance the Delta ecosystem.

The new intake facilities and tunnels will be beneficial to supporting water reliability and will be beneficial to some fish. However, the SDEIS shows overall conditions for fish would continue to decline significantly. The SDEIS does not evaluate an alternative that would substantially improve aquatic habitat conditions.

Notably, the health of the delta could be improved through modifying flow of water through the delta and through habitat restoration. In the conversion from the Bay Delta Conservation Plan to WaterFix, the lead agencies elected not to address flow as it relates to improved fish habitat. Habitat restoration has also been removed – however the Governor is supporting a separate initiative to use state monies to restore habitat within the delta.

At least three separate regulatory processes are underway which could impose terms and conditions, including flow requirements that could modify the proposed WaterFix operations. These include: (1) State Water Board approval of the requested new intake facilities as well as updated water quality standards; (2) Fish and Wildlife Service and National Marine Fisheries Service Section 7 Incidental Take Permits; (3) 404 and 408 permits from the Army Corp of Engineers.

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State of California

The Governor's Office has expressed an interest in talking with you about the project. They will have concerns about any rating considered adverse to the project. They would like to initiate construction of the project within the Governor's remaining time in office – through 2018.